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U.S. Department
of Transportation

400 Seventh Street, SW
Washington, DC 20590

SEP 18 2002

**Bureau of
Transportation Statistics**

C E R T I F I E D M A I L

Mr. Florian Dietrich
President
D&A Truck Line, Inc.
926 North Front Street
New Ulm, MN 56073-1172

RE: Exemption Decision [Docket Number BTS-2001-11069] - 70

Dear Mr. Dietrich:

This letter is in response to D&A Truck Line, Inc.'s (MC #: 147545) April 27, 2001, request for exemption from public release of reports (Form M) filed under 49 CFR 1420.1 by Class I and Class II for-hire common and contract motor carriers of property and household goods. BTS also received the June 6, 2002 letter with '01 Form M.

BTS has reviewed your request for an exemption and determined that issuance of an exemption under BTS regulations, 49 CFR 1420 pursuant to authority contained in 49 U.S.C. 14123, is denied. Your company's request did not meet the regulatory criteria specified in 49 CFR 1420.9(b) and contains general assertions that did not include any specific information that would support a claim that release of your company's financial information would result in substantial competitive harm. As stated in 49 CFR 1420.9(c): "General or nonspecific assertions or analysis will be insufficient to support a request..." Under these regulations, a carrier must do more than make blanket assertions or unsupported conclusions. For additional information, please refer to the BTS final rule published in the Federal Register (FR) on March 23, 1999. (See 64 FR 13916). BTS posts all decisions in the Docket Management System at <http://dms.dot.gov>; you may access these decisions via the Internet by using the Docket Number (BTS-2001-11069).

The agency sent a letter on August 14, 2001, to your company inquiring about specific details. The agency did not receive a response to that letter.

I have made the denial decision explained in this letter after consultation with BTS Counsel and my compliance staff. If you disagree with this initial decision, you may file a petition for reconsideration. You must file your petition within 30 days from the date you receive this denial letter. Your petition should be sent to: The Director (K-1), BTS, Room 3103, U.S. Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590.

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DOCKETS
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Your appeal should include the docket number [Docket Number BTS-2001-11069] and all supporting documentation that form the basis for your petition. The envelope that contains your petition should be marked with the words: "Petition for Reconsideration." If you file such a petition, the BTS Director's decision on that petition will be the final administrative decision (49 CFR 1420.9(e)(4)).

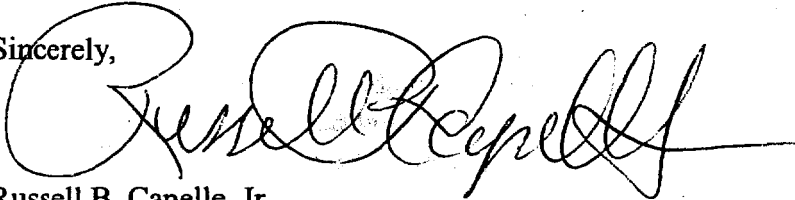
Effective 30 days from the date you receive this denial letter, your company's reports "shall be made publicly available," as required by 49 CFR 1420.10(a).

Under 49 CFR 1420.1(a) and 49 CFR 1420.1(b) a motor carrier must file reports by the required deadlines. In order to be in full compliance with BTS regulations, your company's annual reports (Form M) must be on file at BTS.

Our records show that, for reports due in calendar year 2001 and 2002, we have the following report for your company: 2000 Form M and 2001 Form M. Your company has filed with BTS all Form that are due in calendar year 2001 and, so far, in 2002.

If you have any questions, please contact me (202/366-5685, or russ.capelle@bts.gov).

Sincerely,

A handwritten signature in black ink, appearing to read "Russell B. Capelle, Jr.", with a long horizontal flourish extending to the right.

Russell B. Capelle, Jr.

Assistant BTS Director for Motor Carrier Information